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VEDDER PRICE KAUFMAN & KAMMHOLZ  
222 N. LASALLE STREET  
CHICAGO, IL 60601

EXAMINER

BROWN, CHRISTOPHER J

ART UNIT PAPER NUMBER

2134

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/415,852

Applicant(s)

GILCHRIST, JEFFREY S.

Examiner

Christopher J Brown

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,7-16, 18-26, 28-30, 32-39, 41, 42, 44-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7-16,18-26,28-30,32-39,41,42 and 44-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>12</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed 1/23/04 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. As per claim 1, the added material which is not supported by the original disclosure is as follows: "and prior to a transaction being completed".

Applicant is required to cancel the new matter in the reply to this Office Action.

The Examiner recommends replacing "and prior to a transaction being completed" with "prior to accepting the password" from the instant specification page 9 line 19. If this text were incorporated into claims 1, 16, 25, 39, and 46, the claims would be in condition for allowance.

### ***Claim Rejections - 35 USC § 112***

2. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. On line 7 of claim 1, "and prior to a transaction being completed" is not described in the instant specification.

As per new Claim 47:

**Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili US 6,209,104 in view of Murray US 6,061,659.**

As per claim 47, Jalili discloses prompting for a password (selecting various icons for a password), Col 3 lines 45-47. Jalili discloses outputting dynamic password entry interface legitimacy information (icons, images) in connection with prompting for a password, Col 3 lines 30-35). Jalili discloses storing (file or database) a plurality of selectable images as the dynamic password entry interface legitimacy information, (Col 3 lines 40-47, Col 8 lines 30-33). Jalili discloses selecting, in response to user input (username) at least one of the plurality of stored selectable images for output on a display device during prompting for password entry, (Col 3 lines 25-35).

Jalili does not disclose that the images or icons are animated.

Murray discloses that messages may take a myriad of forms, such as static and animated icons, (Col 8 lines 25-29). It would be obvious to one skilled in the art to modify the access system of Jalili with the animated icon of Murray because the animation will maximize attention to the message, (Col 8 lines 42-45).

Claims 1, 3, 7-16, 18-26, 28-30, 32-39, 41, 42, 44-46 are rejected on the merits of the previous office action as written below:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**3. Claims 1, 3, 4, 7-9, 11, 12, 16, 18, 20, 21, 25, 26, 28-30, 32-34, 36, 39, 41, 42, 44, and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Sixtus US 5,903,721.**

As per claims 1, and 46 Sixtus discloses a password entry method comprising prompting for the entry of a password and outputting a dynamic password entry interface legitimacy information, (an animation), in connection with the prompting for entry of the password, (Col 4 lines 58-64, Col 5 lines 18-20).

As per claim 3, Sixtus discloses that the interface includes providing an audible output in connection with prompting for a password, (Col 4 lines 58-64, Col 5 lines 18-20).

As per claim 4, Sixtus does not explicitly teach the storing of the animated images, the examiner asserts the images must be stored in order to be accessed as part of the password entry interface, (Col 4 lines 58-64, Col 5 lines 18-20).

As per claim 7, Sixtus discloses displaying the animated image prior to allowing input of a password, (Col 4 lines 58-64, Col 5 lines 18-20).

As per claim 8, Sixtus discloses displaying the animated image after the password has been entered, (Col 4 lines 58-64, Col 5 lines 18-20).

As per claim 9, Sixtus discloses where prompting for the password is part of a transaction, where the animated image is associated with said transaction, (Col 4 lines 58-64, Col 5 lines 18-20).

As per claim 11, Sixtus discloses the password is a PIN or text information, (Col 4 lines 58-64, Col 5 lines 18-20).

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As per claim 12, Sixtus does not explicitly teach the storing of the animated images, the examiner asserts the images must be stored in order to be accessed as part of the password entry interface. Sixtus does teach selecting in response to user input one of a plurality of stored images for output on a display during the prompting for password entry, (Col 4 lines 58-64, Col 5 lines 18-20).

As per claim 16, Sixtus discloses a password entry method comprising prompting for the entry of a password and outputting an animation, in connection with the prompting for entry of the password, (Col 4 lines 58-64, Col 5 lines 18-20). Although it is not explicitly stated, the animation must be stored in order to be accessed.

As per claim 18, Sixtus discloses where prompting for the password is part of a transaction, where the animated image is associated with said transaction, (Col 4 lines 58-64, Col 5 lines 18-20).

As per claim 20, Sixtus discloses the password is a PIN or text information, (Col 4 lines 58-64, Col 5 lines 18-20).

As per claim 21, Sixtus does not explicitly teach the storing of the animated images, the examiner asserts the images must be stored in order to be accessed as part of the password entry interface. Sixtus does teach selecting in response to user input one of a plurality of stored images for output on a display during the prompting for password entry, (Col 4 lines 58-64, Col 5 lines 18-20).

As per claim 25, Sixtus discloses a password apparatus comprising a processing device, (PC) to provide a prompt for the entry of a password and memory, containing a dynamic password entry interface legitimacy information, (an animation), in connection with the prompting for entry of the password, (Col 4 lines 58-64, Col 5 lines 18-20, Col 6 lines 4-7, Figure 6).

As per claim 26, Sixtus discloses a dynamic password entry interface including displaying an animated image in connection with the prompting for entry of the password, (Col 4 lines 58-64, Col 5 lines 18-20).

As per claim 28, Sixtus discloses that the user station includes providing an audible output in connection with prompting for a password, (Col 4 lines 58-64, Col 5 lines 18-20).

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As per claim 29, Sixtus does not explicitly teach the storing of the animated images, the examiner asserts the images must be stored in order to be retrieved as part of the password entry interface, (Col 4 lines 58-64, Col 5 lines 18-20, Col 6 lines 4-7, Fig 6).

As per claim 30, Sixtus teaches that the animation changes in response to an entered password, (Col 4 lines 58-64, Col 5 lines 18-20).

As per claim 32, Sixtus discloses displaying the animated image prior to allowing input of a password, (Col 4 lines 58-64, Col 5 lines 18-20).

As per claim 33, Sixtus discloses displaying the animated image after the password has been entered, (Col 4 lines 58-64, Col 5 lines 18-20).

As per claim 34, Sixtus discloses where prompting for the password is part of a transaction to enter a PIN, the user must input the password into an entry field (Col 4 lines 58-64, Col 5 lines 18-20, Fig 6).

As per claim 36, Sixtus does not explicitly teach the storing of the animated images, the examiner asserts the images must be stored in order to be accessed as part of the password entry interface. Sixtus does teach memory and selecting in response to user input one of a plurality of stored images for output on a display during the prompting for password entry, (Col 4 lines 58-64, Col 5 lines 18-20, Fig 6).

As per claim 39, Sixtus discloses instructions to be executed that provide prompting for the entry of a password and outputting a dynamic password entry interface legitimacy information, (an animation), in connection with the prompting for entry of the password, (Col 4 lines 58-64, Col 5 lines 18-20).

As per claim 41, Sixtus discloses instructions that the interface provides an audible output in connection with prompting for a password, (Col 4 lines 58-64, Col 5 lines 18-20).

As per claim 42, Sixtus teaches instructions to the effect that the animation changes in response to an entered password, (Col 4 lines 58-64, Col 5 lines 18-20).

As per claim 44, Sixtus discloses where prompting for the password is part of a transaction, where the animated image is associated with said transaction, and the user must enter text, (PIN), into the keyboard (Col 4 lines 58-64, Col 5 lines 18-20).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 10, 15, 19, 24, 35, 38, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sixtus US 5,903,721 in view of Tabuki US 5,706,427.**

As per claim 10, Sixtus discloses prompting for a password, (Col 4 lines 58-64, Col 5 lines 18-20).

Sixtus does not disclose receiving biometric information.

Tabuki discloses a method of using biometric information in place of a password, (Col 1 lines 31-35, Col 4 lines 16-21).

It would be obvious to one of ordinary skill in the art to modify the Password scheme of Sixtus with the biometric information of Tabuki, because biometric information is understood to be more secure than guessable passwords or PINs.

As per claim 15, Sixtus discloses prompting for a password, (Col 1 lines 31-35, Col 4 lines 16-21).

Sixtus does not disclose granting access to an information security engine.

Tabuki discloses granting access to banking or research institutions, which comprise information security engines, (Col 1 lines 27-35, 45-50).

It would be obvious to one skilled in the art to combine the password scheme of Sixtus with the access of Tabuki because the information access provides a wide variety of applications the password scheme can be used for.

As per claim 19, Sixtus discloses prompting for a password (Col 4 lines 58-64, Col 5 lines 18-20).

Sixtus does not disclose receiving biometric information.



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Tabuki discloses a method of using biometric information in place of a password, (Col 1 lines 31-35, Col 4 lines 16-21).

It would be obvious to one of ordinary skill in the art to modify the Password scheme of Sixtus with the biometric information of Tabuki, because biometric information is understood to be more secure than guessable passwords or PINs.

As per claim 24, Sixtus discloses prompting for a password, (Col 1 lines 31-35, Col 4 lines 16-21).

Sixtus does not disclose granting access to an information security engine.

Tabuki discloses granting access to banking or research institutions, which comprise information security engines, (Col 1 lines 27-35, 45-50).

It would be obvious to one skilled in the art to combine the password scheme of Sixtus with the access of Tabuki because the information access provides a wide variety of applications the password scheme can be used for.

As per claim 35, Sixtus discloses prompting for a password (Col 4 lines 58-64, Col 5 lines 18-20).

Sixtus does not disclose receiving biometric information.

Tabuki discloses using biometric information in place of a password, (Col 1 lines 31-35, Col 4 lines 16-21).

It would be obvious to one of ordinary skill in the art to modify the Password scheme of Sixtus with the biometric information apparatus of Tabuki, because biometric information is understood to be more secure than guessable passwords or PINs.

As per claim 38, Sixtus discloses prompting for a password, (Col 1 lines 31-35, Col 4 lines 16-21).

Sixtus does not disclose granting access to an information security engine.

Tabuki discloses granting access to banking or research institutions, which comprise information security engines, (Col 1 lines 27-35, 45-50).

It would be obvious to one skilled in the art to combine the password scheme of Sixtus with the access of Tabuki because the information access provides a wide variety of applications the password scheme can be used for.

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As per claim 45, Sixtus discloses memory with instructions that prompt for a password. Sixtus does not disclose receiving biometric information.

Tabuki discloses a method of using biometric information in place of a password, (Col 1 lines 31-35, Col 4 lines 16-21).

It would be obvious to one of ordinary skill in the art to modify the Password scheme of Sixtus with the biometric information of Tabuki, because biometric information is understood to be more secure than guessable passwords or PINs.

**5. Claims 14, 23, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sixtus US 5,903,721 in view of Suzuki US 5,946,665.**

As per claim 14, Sixtus discloses an animated image, (Col 1 lines 31-35, Col 4 lines 16-21). Sixtus does not disclose a 3D moving image.

Suzuki discloses 3D moving images, (Col 11 lines 18-26).

It would be obvious to one skilled in the art to combine the password scheme of Sixtus with the 3D image of Suzuki because the image broadens the possibilities of the user interface from Sixtus.

As per claim 23, Sixtus discloses an animated image, (Col 1 lines 31-35, Col 4 lines 16-21). Sixtus does not disclose a 3D moving image.

Suzuki discloses 3D moving images, (Col 11 lines 18-26).

It would be obvious to one skilled in the art to combine the password scheme of Sixtus with the 3D image of Suzuki because the image broadens the possibilities of the user interface from Sixtus.

As per claim 37, Sixtus discloses an animated image, (Col 1 lines 31-35, Col 4 lines 16-21). Sixtus does not disclose a 3D moving image.

Suzuki discloses 3D moving images, (Col 11 lines 18-26).

It would be obvious to one skilled in the art to combine the password scheme of Sixtus with the 3D image of Suzuki because the image broadens the possibilities of the user interface from Sixtus.

**6. Claims 13, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sixtus US 5,903,721 in view of Jalili US 6,209,104**

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As per claim 13, Sixtus discloses an animated image, (Col 1 lines 31-35, Col 4 lines 16-21). Sixtus does not disclose the image is unique to a password.

Jalili discloses that displayed images are unique to a password, (Col 3 lines 31-41, 46-47).

It would be obvious to one in the art to modify the animated image in Sixtus with the system of unique images provided by Jalili because it provides an extra layer of security against compromise, (Jalili Col 4 lines 11-17).

As per claim 22, Sixtus discloses an animated image, (Col 1 lines 31-35, Col 4 lines 16-21). Sixtus does not disclose the image is unique to a password.

Jalili discloses that displayed images are unique to a password, (Col 3 lines 31-41, 46-47).

It would be obvious to one in the art to modify the animated image in Sixtus with the system of unique images provided by Jalili because it provides an extra layer of security against compromise, (Jalili Col 4 lines 11-17).

### ***Conclusion***

7 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J Brown whose telephone number is 703-305-8023. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown



GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100